

December 2, 2003

Federal Aviation Administration  
Attn: Rules Docket, AGC-10  
Office of Chief Counsel  
800 Independence Avenue, SW.  
Washington, DC 20591

Re: Petition for Exemption for FAR 121.354(b) *Terrain Awareness and Warning System*

PenAir, in accordance with 14 CFR Section 11.15, requests exemption from FAR 121.354 (b) for aircraft operated by PenAir within the State of Alaska that are equipped with *Capstone* government furnished equipment.

This petition is based on a plan of Capstone Phase II equipment incorporating TAWS A equipment in participating PenAir aircraft. The FAA schedule for implementation of Phase II/TAWS A in Alaska, will however, require an extension for the compliance date of March 29, 2005. PenAir, therefore petitions for a compliance date of August 30, 2005 for FAR 121.354 (b) for PenAir aircraft participating in the *Capstone* program in Alaska.

PenAir currently operates 4 Cessna 208 Caravans that are equipped with Capstone Phase I equipment. The addition of TAWS equipment would require removal of the Capstone equipment, and the safety benefit it currently provides.

In order to be in compliance with FAR 121.354 (b) by March 29, 2005, we will be required to remove the *Capstone* equipment from our Caravan aircraft. If we remove the *Capstone* equipment from our aircraft, we will cease to be visible on the multi-function displays of other *Capstone* equipped aircraft in the area. Safety will take a step backward in traffic avoidance in our area of operation. By upgrading our Caravans to Capstone Phase II, would give us both TWAS and Capstone capability.

The August 30, 2005 is based on the FAA implementation schedule for *Capstone* Phase II. The government furnished equipment for Phase II is TAWS A compliant, will be made available on February 15, 2005 and will require one month per aircraft for retrofit. By allowing PenAir the 5-month extension, PenAir will continue to participate in the *Capstone* program and be TAWS A compliant. PenAir and the *Capstone* Management team have been working together to reach a solution that will allow PenAir to continue to participate in the *Capstone* program.

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In our opinion, system safety and the clearly stated *Capstone* initiative are best served by allowing PenAir to continue to operate under exemption to FAR 121.354 (b) until August 30, 2005.

Thank you for your consideration of this matter.

Respectfully,

Richard E. Harding  
Vice President of Operations